

REMARKS

This Preliminary Amendment, filed in conjunction with a Request for Continued Examination (“RCE”) and a Petition for a One Month Extension of Time, represents a full and timely response to the final Office Action mailed September 22, 2004. The filing of this RCE and Preliminary Amendment is permissible under 37 C.F.R. § 1.114. *See* M.P.E.P. § 706.07(h).

Claim Rejections – 35 U.S.C. § 103

In the final Office Action, claims 23-27, 29-36, 38-39 and 41-44 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious in view of the Admitted Prior Art (“APA”) detailed on pages 1-7 of the Background Section of the Applicant’s application. These rejections are respectfully traversed for at least the foregoing reasons.

1. Claims 23, 25, 27, 29, 30-35 are Not Obvious

Independent claim 23 recites a parallel processor comprising, *inter alia*, a second processor element of a plurality of processor elements for executing at least a second user program of a plurality of user programs, the second processor element executing a wait release instruction, the wait release instruction commanding the first processor element to resume the processing of the first user program, ***the second processor element continuing processing of the second user program after executing the wait release instruction.***

The APA, in contrast, fails to disclose, teach or suggest each of the limitations recited in claim 23. For example, the APA fails to disclose, teach or suggest ***at least*** a second processor element continuing processing of the second user program after executing the wait release instruction, as is recited in claim 23 of the present invention. Even assuming, *arguendo*, the examiner’s arguments that the second processor (alleged in the Office Action to be satisfied by PE11₄) executes a wait release instruction (alleged in the Office Action to be satisfied by the instruction code “end”), the APA still fails to disclose, teach or suggest this second processor continuing processing of the second user program after executing the wait release instruction. In fact, as is clearly shown in Figure 8, once the second processor of the APA (alleged in the Office

Action to be satisfied by PE11₄) executes the wait release instruction (alleged in the Office Action to be satisfied by the instruction code “end”), processing of this second user program in the second processor element ceases.

Accordingly, because the APA fails to teach each and every limitation of claim 23, a *prima facie* rejection of the claims has not been established and withdrawal thereof is respectfully requested. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art”).

Moreover, aside from the novel limitations recited therein, dependent claims 25, 27, 29 and 30-35, being dependent either directly or indirectly upon independent claim 23, also represent allowable subject matter for at least the reasons set forth above. Withdrawal of the rejection of these claims is therefore respectfully requested.

2. Independent Claim 24 is Not Obvious

Independent claim 24 recites a parallel processor comprising, *inter alia*, a second processor element of a plurality of processor elements for executing at least a second user program of a plurality of user programs, the second processor element executing a wait release instruction, the wait release instruction commanding the first processor element to resume the processing of the first user program, ***the second processor element continuing processing of the second user program after executing the wait release instruction.***

For reasons essentially similar to those set forth above with respect to the rejection of claim 23, the APA fails to disclose, teach or suggest ***at least*** a second processor element continuing processing of the second user program after executing the wait release instruction, as is recited in independent claim 24. Accordingly, arguments in support of the allowability of claim 24 are hereby incorporated by reference to those arguments made in support of claim 23 *supra*.

3. Independent Claim 26 is Not Obvious

Independent claim 26 recites a parallel processor comprising, *inter alia*, a second processor

element of a plurality of processor elements for executing at least a second user program of a plurality of user programs, the second processor element executing a wait release instruction, the wait release instruction commanding the first processor element to resume the processing of the first user program, ***the second processor element continuing processing of the second user program after executing the wait release instruction.***

For reasons essentially similar to those set forth above with respect to the rejection of claim 23, the APA fails to disclose, teach or suggest ***at least*** a second processor element continuing processing of the second user program after executing the wait release instruction, as is recited in independent claim 26. Accordingly, arguments in support of the allowability of claim 26 are hereby incorporated by reference to those arguments made in support of claim 23 *supra*.

4. Claims 36, 41 and 42 are Not Obvious

Independent claim 36 recites a parallel processor comprising, *inter alia*, ***a second processor element continuing processing of a second user program after executing a wait release instruction.***

For reasons essentially similar to those set forth above with respect to the rejection of claim 23, the APA fails to disclose, teach or suggest ***at least*** a second processor element continuing processing of a second user program after executing a wait release instruction, as is recited in independent claim 36. Accordingly, arguments in support of the allowability of claim 36 are hereby incorporated by reference to those arguments made in support of claim 23 *supra*.

Moreover, aside from the novel limitations recited therein, dependent claims 41 and 42, being dependent upon independent claim 36, also represent allowable subject matter for at least the reasons set forth above. Withdrawal of the rejection of these claims is therefore respectfully requested.

5. Independent Claim 38 is Not Obvious

Independent claim 38 recites a parallel processor method comprising, *inter alia*, ***a second processor element continuing processing of a second user program after executing a wait release***

instruction.

For reasons essentially similar to those set forth above with respect to the rejection of claim 23, the APA fails to disclose, teach or suggest *at least* a second processor element continuing processing of a second user program after executing a wait release instruction, as is recited in independent claim 38. Accordingly, arguments in support of the allowability of claim 38 are hereby incorporated by reference to those arguments made in support of claim 23 *supra*.

6. Independent Claim 39 is Not Obvious

Independent claim 39 recites a parallel processor method comprising, *inter alia*, ***continuing processing of a second user program after executing a wait release instruction.***

For reasons essentially similar to those set forth above with respect to the rejection of claim 23, the APA fails to disclose, teach or suggest *at least* continuing processing of a second user program after executing a wait release instruction, as is recited in independent claim 39. Accordingly, arguments in support of the allowability of claim 39 are hereby incorporated by reference to those arguments made in support of claim 23 *supra*.

7. Independent Claim 43 is Not Obvious

Independent claim 43 recites a storage medium for storing in a computer-readable format routines wherein, *inter alia*, a second processing executes a wait release instruction in a second program of a plurality of programs, the wait release instruction resuming execution of a first processing, ***the second processing continuing execution of the second program after executing the wait release instruction.***

For reasons essentially similar to those set forth above with respect to the rejection of claim 23, the APA fails to disclose, teach or suggest *at least* the second processing continuing execution of the second program after executing the wait release instruction, as is recited in independent claim 43. Accordingly, arguments in support of the allowability of claim 43 are hereby incorporated by reference to those arguments made in support of claim 23 *supra*.

8. Independent Claim 44 is Not Obvious

Independent claim 44 recites a storage medium for storing in a computer-readable format routines wherein, *inter alia, a second processing continues execution of a second program after executing a wait release instruction without suspending the second processing.*

For reasons essentially similar to those set forth above with respect to the rejection of claim 23, the APA fails to disclose, teach or suggest *at least* a second processing continues execution of a second program after executing a wait release instruction without suspending the second processing, as is recited in independent claim 44. Accordingly, arguments in support of the allowability of claim 44 are hereby incorporated by reference to those arguments made in support of claim 23 *supra.*

Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-1661 from which the undersigned is authorized to draw.

Dated:

1-31-05

Respectfully submitted,

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